



PATENT

RECEIVED

JUL 22 2003

TECH CENTER 1600/2900

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

DOMINIC A. DRAGOTTA ET. AL.

CASE NO.: CL1598 US NA

APPLICATION NO.: 09/940298

GROUP ART UNIT: 1623

FILED: AUGUST 28, 2001

EXAMINER:

FOR: POLYHYDROXYALKANOATE LEVELS AS AN INDICATOR OF BIOREACTOR HEALTH

RESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner for Patents  
Washington, DC 20231

Sir:

By an Office Action dated November 14, 2002 the above-referenced application has been made subject to a requirement to restrict. The Examiner has taken the position that claims 1-12 (Group I) are drawn to a method for monitoring and controlling biocatalytic efficiency of a wastewater treatment process and are classified in Class 435 subclass 29. Claims 13-16 (Group II) are said to be drawn to a method of maintaining a viable culture in an activated sludge environment in the absence of carbon influx classified in Class 435 subclass 260

Election of claims is required under 37 CFR 1.143

Accordingly Applicants hereby elect Group I encompassing Claims 1-12 without traverse.

Please cancel claims 13-16 as drawn to a non-elected invention.

The above Election of Claims and species and cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENT, WASHINGTON, D.C. 20231, ON THIS DATE.

11/22/02  
DATE  
MARY BETH PITCHER

Application No.: 09/940298  
Docket No.: CL1598 US NA

Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'nd Fel', is written over the typed name.

**NEIL FELTHAM**  
ATTORNEY FOR APPLICANTS  
Registration No.: 36,506  
Telephone: (302) 992-6460  
Facsimile: (302) 992-5374

Dated: November 21, 2002



THE STAMP OF THE PATENT OFFICE HEREON ACKNOWLEDGES THE  
RECEIPT, ON THE DATE INDICATED, OF THE FOLLOWING:

CASE NO.: CL1598 US NA  
APPLICATION NO.: 09/940,298  
CONFIRMATION NO.:  
DOCUMENT: RESPONSE TO RESTRICTION REQUIREMENT  
ATTORNEY: JANEIL FELTHAM

